REMARKS

In the final Office Action dated December 23, 2008, the Examiner rejects claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 23 and 24 under 35 U.S.C. § 112, first and second paragraph, stating that "relative distance" does not comply with the original disclosure. Claims 13, 19, 15 and 23 are rejected under 35 U.S.C. § 112, first and second paragraph, on the stated basis that "based on statistical body dimensions" does not comply with the original disclosure, and claim 7 is rejected based on the term "commensurate." The Examiner maintains the rejection of claims 1, 2, 7, 8, 13, 14, 19, 20 and 22 under 35 U.S.C. § 102(b) as being anticipated by Beninga et al. (DE 19522897), as well as the rejection of claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 23 and 24 under 35 U.S.C. § 102(b) as being anticipated by Wang (US 2004/0109247). Finally, the Examiner maintains his rejection of claims 5, 11, 17 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Barthel et al. (US 5,081,586).

With this Amendment, Applicant has amended claims 1, 3, 5-7, 9, 11, 13, 15, 17, 19, 23 and 25. Claims 4, 10, 16 and 24 have been canceled. After entry of this Amendment, claims 1-3, 5-9, 11-15, 17-23 and 25 are pending in the application. Reconsideration of the application as amended is respectfully requested. Entry of the Amendment is requested pursuant to 35 USC §1.116.

Rejections under 35 USC §112

The Examiner rejects claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 23 and 24 under 35 U.S.C. § 112, first and second paragraph, stating that "relative distance" does not comply with the original disclosure. While Applicant disagrees, to address the Examiner's concerns, the term "relative" has been deleted from claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 23 and 24. Applicant submits that no descriptive term for "distance" is needed as it is clearly understood from the disclosure.

Claims 3, 9, 15 and 23 are rejected under 35 U.S.C. § 112, first and second paragraph, on the stated basis that "based on statistical body dimensions" does not comply with the original disclosure, and claim 7 is rejected based on the term "commensurate." To address

the Examiner's concerns, although these terms are understandable based on the disclosure, Applicant has amended claims 3, 9, 15 and 23 to recite "based on a human of average physical size" rather than "based on statistical body dimensions." This change is supported in the specification in paragraph [0049]. Claim 7 has been amended to replace "commensurate with" with the clearer term "representative of."

Applicant respectfully submits that these amendments overcome the rejections under 35 USC §112.

Applicant's amended claim 1 recites an automatic driving position adjustment system for use in a vehicle having at least first and second adjustable components each having one or more adjustment directions, wherein the one or more adjustment directions of the first component is adjustable by an operator The system comprises: (a) a controller configured to receive vehicle signals and to determine at least an interlock state and a non-interlock state based on the vehicle signals; (b) movement-distance sensors that sense the distance that the first adjustable component moves in one or more adjustment directions when adjusted by the operator and generate an output signal indicative of the distance, wherein the controller, when in the interlock state, is responsive to the output signal of the movement-distance sensors and configured to compute a distance that the second adjustable component is to move in the one or more adjustment directions on the basis of the distance moved by the first adjustable component, and wherein the controller, when in the non-interlock state, is not responsive to the output signal of the movement-distance sensors; and (c) a motor that is actuated by the controller when in the interlock state and is drivingly engaged to the second adjustable component to move in the one or more adjustment directions of the second component the distance as computed by the controller.

Support for the one or more adjustment directions and at least one movement-distance sensor is found in the specification in ¶¶ [0021]-[0030]. Support for the interlocked state and non-interlocked is found in at least ¶¶ [0033] and [0034]. Support for the vehicle signals is found in at least ¶¶ [0032] and [0033].

Claim 1, as well as the other independent claims 7, 13 and 19 has each been amended to include the features of dependent claims 4, 10, 16 and 24, respectively, in which the

prescribed state or interlocked state was included. Claims 4, 10, 16 and 24 have therefore been canceled.

Rejections under 35 USC §102(b)

The Examiner maintains the rejection of claims 1, 2, 7, 8, 13, 14, 19, 20 and 22 under 35 U.S.C. § 102(b) as being anticipated by Beninga et al. (DE 19522897).

Beninga et al. does not teach interlocked and non-locked states, a controller that determines the state, a controller that only acts if in the interlocked state and a controller that calculates distances to move rather than absolute positions. The controller 15 in Beninga et al. only outputs the absolute positions to which the adjusting devices 7 to 11 are moved. As a result, Beninga et al. requires position sensors for each of the devices 7 to 11 to determine when the devices 7 to 11 are at their absolute positions (see ¶ 10 of the translation). Furthermore, only if a user has pre-programmed the controller can a second component be positioned based on the forward and back position of the seat base. (See presetting operated branch by the user 18.) For at least these reasons, independent claims 1, 7, 13, 19 and their dependent claims are allowable over Beninga et al.

Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 23 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wang (US 2004/0109247).

Wang discloses an automobile rearview mirror system that can automatically adjust the passenger-side mirror when the driver adjusts the driver-side mirror using the horizontal angle of the driver side mirror along with distance data related to the position of an inboard edge of each of the exterior mirrors. (Pg. 1, ¶[0004]). This data is used to geometrically determine the proper positioning of the passenger-side mirror. The user can move a lever 28 to disengage the passenger-side mirror so that it will not move in relation to the driver's mirror. (Col. 2, ll. 37-50). The lever 28 is moved by the user as desired. Wang does not teach interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state, and a controller that calculates distances to move rather than absolute positions. Furthermore, Wang does not teach first and second

adjustable components as claimed by Applicant. Applicant describes driver and passenger mirrors as one component. (See ¶ [0004]). For at least these reasons, independent claims 1, 7, 13, 19 and their dependent claims are allowable over Wang.

Dependent claims

Regarding claims 2, 8, 14 and 20, the Examiner contends that Beninga et al. discloses that the first adjustable component is a driver's seat. This is not accurate. In Beninga et al., the user controls the forward and back movement of the seat base. Based on this movement, the remainder of the seat is adjusted, such as the angle of the back and the height of the base. The adjustments are made based on the driver's leg length only. Applicant's adjustable component is the entire driver's seat, as described in ¶¶ [0004] and [0021]. Because Beninga et al. does not teach a component as claimed by Applicant, in addition to their dependency from allowable base claims, claims 2, 8, 14 and 20 are allowable over Beninga et al.

Applicants further submit that neither Beninga et al. nor Wang teaches or suggests the additional features in claims 3, 9, 15 and 23 wherein the controller is configured to compute the distance by multiplying a prescribed coefficient based on a human body of average size by the distance that the first adjustable component has moved. While Beninga et al. considers adjusting devices 7 to 11 for a user whose figure does not deviate much from a statistical average (see ¶ 12 of the translation), Beninga et al. does not disclose how the statistical average figure is used to adjust the devices 7 to 11. That is, Beninga et al. does not disclose multiplying a prescribed coefficient based on statistical body dimensions by the distance that the first adjustable component has moved. Additionally, Wang does not consider statistical body dimensions at all. Instead, the horizontal angle β at which the RH mirror 22 is positioned is based entirely on various measurements between the mirrors 20 and 22 and the vehicle. (See equation (4) of Wang.) Therefore, claims 3, 9, 15 and 23 are allowable over Beninga et al. and Wang for these reasons in addition to their dependency from allowable claims.

Rejections under 35 USC §103(a)

The Examiner rejects claims 5, 11, 17 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Barthel et al. (US 5,081,586).

As explained above with respect to claims 1, 7, 13 and 19, Wang does not teach interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state and a controller that calculates distances to move rather than absolute positions. Furthermore, Wang does not teach first and second adjustable components as claimed by Applicant. Barthel et al. also fails to teach these features. Therefore, the combination of Wang and Barthel et al. fail to teach or suggest, either alone or in combination, all the features described in any of claims 5, 11, 17 and 25. As a result, claims 5, 11, 17 and 25 are allowable over the cited references.

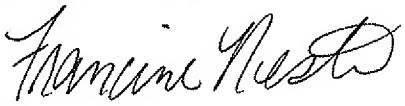
It is submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

Applicant further submits that this Amendment should be entered pursuant to 35 USC §1.116. It reduces issues for appeal by removing rejections and should result in a notice of allowance. It adds no claims and instead cancels four claims. Moreover, no new search should result because the claims as amended remove language added in response to the last Office Action and because the amendments to the independent claims substantially incorporate features previously searched from the dependent claims.

If the Examiner feels that prosecution of the present Application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

YOUNG BASILE HANLON MACFARLANE & HELMHOLDT, P.C.



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